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03-12-26

Mr. Peter Offen, Chairman
City of Brevard, NC – Board of Adjustments (BOA)
95 West Main Street
Brevard, NC 28712

Care of Mr. Mack McKeller, City Attorney
and Mr. Brian Gulden, Attorney for the Brevard Board of Adjustment

RE: Robinson, Veal Driveway Appeal - Subpoena Request
Pursuant to NCGS 160D-406(g) and NCGS 160D-1402(c)

Dear Mr. Offen,

We understand that our next scheduled appearance before the Board is set for April 7, 2026.

Upon review of the Summary Report prepared by Paul Ray and Aaron Bland, it is clear there are several unresolved issues, particularly regarding the status of "the road"—whether former or existing—and matters related to public rights-of-way.

It is important to emphasize the significant implication the Board's decision will have for Mr. Roy Robinson and myself, concerning the outcome of our permit appeal and potential restoration of historic access. Your determination carries considerable weight on the current and future value of our property. The consequences of the City's actions, specifically the construction of the trail and the resulting obstruction of access, have rendered our property effectively unmarketable. We trust that, as Chairman of the City of Brevard's BOA, you will consider the broader impact these developments have had on properties owned by Mr. Robinson, myself, Emma Dorsey, Connie Williams, Angela Towler, and the Garrett family property which is located on the north side of Mackey Ridge Roadbed.

Thus, in accordance with NCGS 160D-406(g) & NCGS 160D-1402(c), we respectfully request that you, in your capacity as Chairman, issue a subpoena to Mr. Mac Morrow to appear at the April 7th BOA meeting. Based on available information, Mr. Morrow is uniquely positioned to clarify outstanding questions identified in the Summary Report. He was a member of the City Council and voted to create the Bracken Preserve Steering Committee, served as its Chair, participated in key decisions regarding the proposed easement, and oversaw related initiatives. Mr. Morrow was on the Council when the vote to Institute the Action to condemn the easement across the parties' properties was taken and when the condemnation was acquired. Mr. Morrow was also on the Council when the Bracken Trail Construction was initiated in 2010 and when completed in 2012. Mr. Morrow's involvement in early negotiations and efforts to acquire affected properties to formalize the city's access suggests he can provide comprehensive insight. We ask that Mr. Morrow be directed to produce any relevant documents, maps, drawings, correspondence (including emails & letters), committee minutes, and other materials pertaining to his efforts regarding the purchase attempts, creation of Bracken Preserve, establishment of right-of-way easements, design & construction of the trail & associated infrastructure, as well as any communications with pertinent individuals and city staff. This notice also serves to request preservation of all such records and artifacts as potential evidence.

Further, we respectfully request that you subpoena Mr. Josh Freeman, former Planning Director and former Community Development Director for the City, to appear at the same meeting. The Planning Department is responsible for oversight and administration of Bracken Preserve and the Trail. Mr. Freeman's leadership role during the inception and implementation of various phases positions him to address questions raised in the Summary Report and elaborate on departmental actions, trail infrastructure placements, and the intent behind city decisions. We request that Mr. Freeman bring all relevant documentation and correspondence related to property acquisition efforts, preserve establishment, steering committee activities, easement formation, design and construction of the trail, parking facilities, and all communications with city personnel and stakeholders. This notice similarly requests the preservation of all related materials.

Additionally, we respectfully request a subpoena for Mr. Daniel Cobb, former Assistant Planning Director and Planning Director for the City of Brevard, to also attend the meeting. Mr. Cobb was involved throughout various stages of Bracken Preserve's development and trail construction, and his perspective is essential for addressing issues identified in the Summary Report. We ask him to provide all pertinent documents and correspondence related to property acquisition, preserve planning, council deliberations, trail and infrastructure design and building, and any interactions with city staff and other relevant parties. Please ensure preservation of all records and possible evidence.

For your convenience, we believe that the addresses for the individuals mentioned above are provided here:

Mr. Mac Morrow
212 S. Gaston St
Brevard, NC 21712

Mr. Joshua Sage Freeman
50 Overlook Drive
Brevard, NC 28712

Mr. Daniel Patrick Cobb
Town Manager, Granite Falls
305 N. Main Street
Granite Falls, NC 28630

Sincerely,

Elliott Dugger

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NC Bar # 56715